

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-29 are currently pending. Claims 1-29 have been rejected. Claims 1, 5, 7, 11, and 21 have been amended. No new matter has been added.

In the Official Action, the Examiner rejected claims 1-7, 9-17, 19-26, and 28-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,069,871 to Sharma et al. (hereinafter referred to as "Sharma"). Applicant respectfully traverses this rejection for the reasons discussed below.

To anticipate a claim, each and every limitation must be found in a reference. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MP&P § 2131, in part.

Independent claim 1, as amended, is a method of dynamically balancing work among processing nodes reciting the following:

periodically updating a node occupancy value at each of the plurality of processing nodes;

communicating the respective node occupancy value of each processing node to at least one work originator node, communication of the occupancy value made in an open-loop manner;

storing the node occupancy values of the plurality of processing nodes at the at least one work originator node; and

selecting, by the at least one work originator node, a processing node to perform a particular task in response to the node occupancy values of the processing nodes.

In rejecting claim 1, the Examiner asserts that Sharma provides a method for a plurality of call processing nodes to each periodically update a respective node occupancy value. The Applicant respectfully disagrees. Sharma describes a technique for a base station controller (BSC) to request capacity information from candidate base transceiver stations (BTSs) (Column 7, Lines 10-14, Lines 44-46, and Lines 63-65; Column 9, Lines 51-52; Column 12, Lines 31-33, and Lines 55-58). The BTSs provide capacity information to the

BSC only upon request rather than periodically. Thus, the technique described by Sharma utilizes a closed-loop response system for reporting respective excess capacity in response to the issued capacity request. Sharma fails to describe a technique for communicating the node occupancy value in an open-loop manner and fails to provide for periodic occupancy value updates. Notably, the technique described by Sharma requires additional signaling overhead, e.g., a capacity request and response (FIGURE 9; Column 12, Lines 31-34), and necessarily introduces a delay while the work originator submits the request and awaits the capacity responses from the processing nodes (FIGURE 5A, box 506; Column 7, Line 66-Column 8, Line 1).

In contrast, the subject application teaches a method for periodically updating a node occupancy value at each of a plurality of processing nodes (Page 7, Lines 22-27). The occupancy value is then communicated to an originator node in an open-loop manner (Page 4, Lines 9-10; Page 9, Lines 21-22). In a preferred embodiment, the open-loop technique for communicating the occupancy value is performed by inserting the occupancy value into a header of an existing message (Page 4, Lines 7-8; Page 8, Lines 14-19; Page 9, Lines 19-21). Notably, no additional signaling is required by the technique of the present invention. Delay is not introduced in selecting a processing node due to the work originator node having a record of the occupancy values as indicated by the most recently communicated message from respective processing nodes. For at least these reasons, Sharma fails to anticipate claim 1 and withdrawal of the rejection of claim 1, and the claims dependent therefrom, is respectfully requested.

Independent claim 11, as amended, is a method reciting:

periodically updating a node occupancy value at each of the plurality of call processing nodes;

communicating the respective node occupancy value of each call processing node to at least one work originator node operable to receive incoming calls, communication of the occupancy value made in an open-loop manner;

storing the node occupancy values of the plurality of call processing nodes at the at least one work originator node;

selecting, by the at least one work originator node, a call processing node to process the incoming call in response to the node occupancy values of the call processing nodes.

As noted above, Sharma describes a technique for a BSC to request capacity information from candidate BTSSs and for the BTSSs to provide capacity information in response to the BSC capacity request. Sharma fails to describe or suggest a method for periodically updating a node occupancy value and communicating the node occupancy value according to an open-loop technique. For at least these reasons, Sharma fails to anticipate claim 11 and withdrawal of the rejection of claim 11, and the claims dependent therefrom, is respectfully requested.

Independent claim 21, as amended, recites a telecommunications system comprising:

- a plurality of call processing nodes;
- at least one incoming call receiving node;
- the plurality of call processing nodes each:
  - periodically calculating and updating a respective node occupancy value; and
  - communicating the respective node occupancy value to at least one incoming call receiving node, communication of the occupancy value made in an open-loop manner;
- the at least one incoming call receiving node:
  - storing the node occupancy values of the plurality of call processing nodes; and
  - selecting a call processing node to process the incoming call in response to the stored node occupancy values of the call processing nodes.

As discussed above, Sharma describes a method for a processing node in a communication system to request capacity information from candidate BTSSs and for the BTSSs to provide capacity information in response to receipt of the capacity request. Sharma fails to describe or suggest a telecommunication system having a plurality of nodes that periodically update a node occupancy value. Additionally, the processing nodes in the communication system described by Sharma communicate an occupancy value in response to a request by a controller rather than according to an open-loop technique. For at least these reasons, Sharma fails to anticipate claim 21 and withdrawal of the rejection of claim 21, and the claims dependent therefrom, is respectfully requested

Should the Examiner have any further questions or comments facilitating allowance, the Examiner is invited to contact Applicant's representative indicated below. In view of the

above, it is believed that this application is in condition for allowance, and such a Notice is respectfully requested.

Respectfully submitted,



Steven T. McDonald  
Reg. No. 45,999

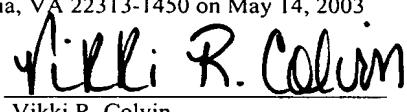
Date: May 14, 2003

Direct all correspondence to:  
Intellectual Property Section  
Munsch, Hardt, Kopf, and Harr, P.C.  
4000 Fountain Place  
1445 Ross Avenue  
Dallas, TX 75202-2790  
Telephone: (214) 880-7667  
Facsimile: (214) 855-7584

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 14, 2003.

Name:



Vikki R. Colvin